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on July 10, 2006.

Anne Antonoff
Anne Antonoff

In Re Application of:

James A. McKeeth

Confirmation No.: 8050

Group Art Unit: 2154

Serial No.: 09/544,355

Examiner: HU, Jingson

Filed: April 6, 2000

Docket No.: 050906-1110

For: Method and System for Communicating Between Clients in a Computer Network

The following is a list of documents enclosed:

Return Postcard
Appeal Brief Transmittal
Form 2038 authorizing \$500.00 for Appeal Brief
Appeal Brief Under 37 C.F.R. §1.192

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TRANSMITTAL OF APPEAL BRIEF

Docket No. (Optional): 050906-1110

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July 10, 2006
Anne Antonoff
Signature - Anne Antonoff

In re Application of
James A. McKeeth

Application Number
09/544,355

Filed
04/06/2000

For
**Method and System for Communicating Between
Clients in a Computer Network**

Group Art Unit
2154

Examiner
HU, Jingson

Confirmation No.:
8050

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on March 30, 2006

The fee for this Appeal Brief is (37 CFR 1.17(c))

\$ 500.00

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.17(a)-(d) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

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|--------------------------|----------------------------------|-----------|
| <input type="checkbox"/> | One month (37 CFR 1.17(a)(1)) | \$ 60.00 |
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| <input type="checkbox"/> | Four months (37 CFR 1.17(a)(4)) | \$ 765.00 |

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that the applicant has inadvertently overlooked the need for a petition and fee for extension of time.

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07/10/06

Date

Scott A. Horstemeyer

Scott A. Horstemeyer, Reg. No. 64,183



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of:

James A. McKeeth

Serial No.:

09/544,355

Filed:

April 6, 2000

For:

**Method and System for Communicating
Between Clients in a Computer Network**

Group Art Unit:

2154

Examiner:

HU, Jingson

Docket No.:

050906-1110

APPEAL BRIEF UNDER 37 C.F.R. § 1.192

Mail Stop Appeal Brief - Patents
Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is an appeal from the Advisory Action of Examiner Jingson Hu, Group Art Unit 2154, mailed April 24, 2006 (Paper No. 5), rejecting claims 29-56 in the present application and making the rejection FINAL.

It is not believed that extensions of time or fees are required to consider this Appeal Brief. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to Deposit Account 20-0078.

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I. REAL PARTY IN INTEREST

The real party in interest of the instant application is Web.com, Inc. Web.com, Inc. was formerly known as Interland, Inc.

II. RELATED APPEALS AND INTERFERENCE

There are no related appeals or interferences.

III. STATUS OF THE CLAIMS

Claims 29-56 stand finally rejected. No claims have been allowed. The final rejection of claims 29-56 is appealed.

IV. STATUS OF THE AMENDMENTS

No amendments have been made or requested since the mailing of the final Office Action, and all amendments submitted prior to the final Office Action have been entered. A copy of the current claims is included in Section VIII ("Claims – Appendix").

V. SUMMARY OF CLAIMED SUBJECT MATTER

Embodiments of the claimed subject matter are summarized below with reference numbers and references to the written description ("specification") and drawings. The subject matter described below appears in the original disclosure at least where indicated, and may further appear in other places within the original disclosure.

Embodiments according to independent claim 29 involve a method for updating Domain Name System (DNS) information in response to a change in client status. The method comprises the step of receiving a client request to update DNS information on a DNS server (p. 9, lines 10-25; p. 11, lines 20-30; p. 11, lines 20-25), the client being subscribed to a domain name (p. 6, lines 5-15). The method further comprises the step of, on receipt of the client request, assigning

an IP address to the client (p. 6, lines 15-25) and updating an entry in an IP address table on the DNS server (p. 6, lines 20-25; p. 9, lines 20-30; p. 12, lines 5-10; p. 12, line 25 to p. 13, line 5) such that the domain name corresponds with the assigned IP address (p. 6, lines 20-25). The method further comprises the step of determining a client status of on-line or off-line (p. 8, lines 5-10; p. 8, line 20 to p. 9, line 5; p. 13, line 25 to p. 14, line 5). The method further comprises the step of, responsive to off-line determination, updating the IP address table on the DNS server (p. 8, lines 1-10) such that the domain name corresponds with an interactive file (p. 8, line 25 to p. 9, line 10).

Embodiments according to independent claim 38 involve a method for updating Domain Name System (DNS) information in response to a change in client status. The method comprises the step of receiving identification information from a client (p. 6, lines 15-20; p. 9, lines 15-20), the client being subscribed to a domain name (p. 6, lines 5-15). The method further comprises the step of, on receipt of the identification information, assigning an IP address to the client and updating an IP address table on the DNS server (p. 6, lines 20-25; p. 9, lines 20-30; p. 12, lines 5-10; p. 12, line 25 to p. 13, line 5) such that the domain name corresponds to the assigned IP address (p. 6, lines 20-25). The method further comprises the step of determining a client status of on-line or off-line (p. 8, lines 5-10; p. 8, line 20 to p. 9, line 5; p. 13, line 25 to p. 14, line 5). The method further comprises the step of responsive to determining the status is off-line, updating the IP address table on the DNS server (p. 8, lines 1-10) such that the domain name corresponds to a first web page located on a server.

Embodiments according to independent claim 41 involve a computer-readable medium containing a program for updating Domain Name System (DNS) information in response to a change in client on-line/off-line status. The program comprises the step of receiving a client

request to update DNS information on a DNS server (p. 9, lines 10-25; p. 11, lines 20-30; p. 11, lines 20-25), the client being subscribed to a domain name (p. 6, lines 5-15). The program further comprises the step of, on receipt of the client request, assigning an IP address to the client (p. 6, lines 15-25) and updating an entry in an IP address table on the DNS server (p. 6, lines 20-25; p. 9, lines 20-30; p. 12, lines 5-10; p. 12, line 25 to p. 13, line 5) to match the domain name with the assigned IP address (p. 6, lines 20-25). The program further comprises the step of determining a client status of on-line or off-line (p. 8, lines 5-10; p. 8, line 20 to p. 9, line 5; p. 13, line 25 to p. 14, line 5). The program further comprises the step of, responsive to off-line determination, updating the IP address table on the DNS server (p. 8, lines 1-10) to match the domain name with an interactive file (p. 8, line 25 to p. 9, line 10).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 29-56 have been rejected under §103(a) as allegedly obvious over the combination of *Dreke et al.* (U.S. 6,463,471) in view of *Aravamudan et al.* (U.S. 6,301,609).

VII. ARGUMENT

Appellants respectfully submit that Applicants' claims are not obvious under 35 U.S.C. §103, and respectfully request that the Board of Patent Appeals overturn the final rejections of these claims for at least the reasons discussed below.

A. Rejection of Claims 29-56 under 35 U.S.C. §103

Claims 29-56 have been rejected under §103(a) as allegedly obvious over *Dreke et al.* in view of *Aravamudan et al.* Applicant respectfully traverses this rejection. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest,

either implicitly, all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

1. Claims 29 and 50

a. The proposed combination does not teach “receiving a client request to update DNS information on a DNS server”

The Office Action alleges that *Dreke et al.* teaches “assigning different IP address by Internet Provider [i.e., DNS server] to a user each time when he/she logs on the Internet [i.e., request to update DNS information, such as receiving a new IP address.” (Office Action, p. 5, section 14.A.)

The background of *Dreke et al.* does disclose dynamic assignment of IP address to clients by an Internet provider. (Col. 1, lines 40-50.) However, dynamic IP address assignment does not correspond to “receiving a client request to update DNS information on a DNS server” as recited in claims 29 and 50.

As known to a person of ordinary skill in the art, a DNS server does *not* assign IP addresses to hosts or clients, either statically or dynamically. Instead, as explained in the instant application:

The DNS server provides a method of converting Internet domain names (e.g., www.site.com) to corresponding IP addresses (e.g., 121.132.143.154) to be understood by computer servers. This process is commonly referred to as “resolving” the domain name into an IP address. The DNS specification may be found in Request for Comments (RFC) 1035. (Specification, p. 5, lines 10-15.)

There is no teaching in *Dreke et al.* that IP address assignment is related in any way to converting domain names. Furthermore, as known to a person of ordinary skill in the art,

dynamic assignment of IP addresses to clients or hosts is performed not by DNS, but by Dynamic Host Control Protocol (DHCP), which is RFC 2121.

Updating domain names and assigning IP addresses are separate processes, performed by two different protocols. Thus, the reference to dynamic IP address assignment in *Dreke et al.* is unrelated to DNS servers in general, and is therefore also unrelated to “receiving a client request to update DNS information on a DNS server” as recited in claims 29 and 50.

The remainder of *Dreke et al.* discloses an Internet Presence Information Server (IPIS), and a client that updates a user’s network presence information on the IPIS. As its name suggests, the IPIS in *Dreke et al.* provides information about a particular user’s presence (or absence) on the Internet. In contrast, claims 29 and 50 recite elements which relate to mapping domain names to IP addresses (“DNS information” and “a DNS server”). The IPIS disclosed in *Dreke et al.* is not a DNS server and is not equivalent to a DNS server, and Internet presence information is not DNS information and is not equivalent to DNS information.

b. The proposed combination does not teach “the client being subscribed to a domain name”

The Office Action alleges that *Dreke et al.* teaches “providing service to the register users [col. 2, lines 23-25] and the user being able to receiving a newly network address [col. 4, lines 3-6 & 60-66], i.e., the client being subscribed to a domain name.” (Office Action, p. 6, section 14.B.) Dynamic IP address assignment does not correspond to a “client being subscribed to a domain name”. As discussed above, assigning or updating domain names is a separate and distinct process from assigning or updating IP addresses, using two different protocols. Even if the existence of a domain name could be inferred by the general discussion of the Internet contained in *Dreke et al.*, noting the mere existence of a domain name is far from disclosing a particular client subscribing to a domain name, as recited in claims 29 and 50.

c. The proposed combination does not teach “updating an entry in an IP address table on the DNS server such that the domain name corresponds with the assigned IP address”

The Office Action alleges that *Dreke et al.* teaches “delivering pending events to the user when he/she logs on the network again [col. 7, lines 33-40] i.e., updating the IP address table on the DNS server such that the domain name corresponds with an interactive file.” (Office Action, p. 6, section 14.C.)

As discussed earlier, the discussion in *Dreke et al.* of dynamic assignment of IP addresses does not disclose, teach, or suggest the above-recited feature, since IP address assignment is not a function provided by a DNS server. Furthermore, *Dreke et al.*’s Internet Presence Information Server (IPIS) is not a DNS server, or equivalent to a DNS server, so any update to the IPIS discussed in *Dreke et al.* is not an update to a DNS server.

d. Conclusion

Since the proposed combination does not teach at least the above-described features recited in claims 29 and 50, a *prima facie* case establishing an obviousness rejection has not been made, and the rejection should be withdrawn.

2. Claim 38

a. The proposed combination does not teach “the client being subscribed to a domain name”

Neither *Dreke et al.* nor *Aravamudan et al.* discloses, teaches, or suggests a client subscribed to a domain name. First, neither reference discusses domain names at all, and as discussed above, IP addresses are distinct from domain names. Second, even if the existence of a domain name could be inferred by the general discussion of the Internet contained in either reference, noting the mere existence of a domain name is far from disclosing a particular client subscribing to a domain name.

b. The proposed combination does not teach “updating an entry in an IP address table on the DNS server such that the domain name corresponds with the assigned IP address”

The Office Action alleges that *Dreke et al.* teaches “delivering pending events to the user when he/she logs on the network again [col. 7, lines 33-40] i.e., updating the IP address table on the DNS server such that the domain name corresponds with an interactive file.” (Office Action, p. 6, section 14.C.)

As discussed earlier, the discussion in *Dreke et al.* of dynamic assignment of IP addresses does not disclose, teach, or suggest the above-recited feature because IP address assignment is not a function of a DNS server. Furthermore, *Dreke et al.*’s Internet Presence Information Server (IPIS) is not a DNS server, so any update to the IPIS discussed in *Dreke et al.* is not an update to a DNS server.

c. Conclusion

Since the proposed combination does not teach at least the above-described features recited in claim 38, a *prima facie* case establishing an obviousness rejection has not been made, and the rejection should be withdrawn.

3. Claims 30 and 42

Applicant respectfully submits that dependent claims 30 and 42 are allowable for the additional reason that the proposed combination of *Dreke et al.* in view of *Aravamudan et al.* does not disclose, teach, or suggest the feature of “wherein the interactive file comprises a first web page that is configured to provide information to the first client and configured to allow the first client to leave a message for the second client” as recited in claims 30 and 42.

The Office Action alleges that the above-described feature is disclosed in Col. 7, lines 21-40 of *Aravamudan et al.* (Office Action, p. 6, section 14.D.) This section of *Aravamudan et al.* discloses that the Communication Services Platform checks for pending events when the

user's online presence is detected, and the IM server communicates this event to the client CPE.

“Examples of pending events may include...delivery of WebPages or other packetized information either specifically requested by the user or returned as a result of predefined keyword search parameters...” (Col. 7, lines 25-35.)

Aravamudan et al. thus describes a user requesting a web page while online, and delivering the web page *to the same user* when he logs in again. However, claims 30 and 42 involve two clients: “configured to allow the first client to *leave a message for the second client*”.

Aravamudan et al. also describes a user performing a search while online, and delivering the search results to the same user when he logs in again. However, delivering search results is not equivalent to “leaving a message” as recited in claims 30 and 42.

Since the proposed combination does not teach at least the above described feature recited in claims 30 and 42, a *prima facie* case establishing an obviousness rejection has not been made, and the rejection should be withdrawn.

4. Claims 37, 39, 41-49, and 51-56

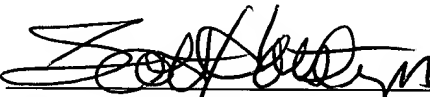
Since claims 29-56 are allowable, Applicant respectfully submits that claims 37, 39, 41-49, and 51-56 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant respectfully requests that the rejection of claims 37, 39, 41-49, and 51-56 be withdrawn.

B. CONCLUSION

Based upon the foregoing discussion, Applicants respectfully request that the Examiner's final rejection of claims 29-56 be overruled and withdrawn by the Board, and that the application be allowed to issue as a patent with all pending claims.

Respectfully submitted,

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CLAIMS - APPENDIX

1-28. (Cancelled)

29. A method for updating Domain Name System (DNS) information in response to a change in client status, the method comprising the steps of:

receiving a client request to update DNS information on a DNS server, the client being subscribed to a domain name:

on receipt of the client request, assigning an IP address to the client and updating an entry in an IP address table on the DNS server such that the domain name corresponds with the assigned IP address;

determining a client status of on-line or off-line; and

responsive to off-line determination, updating the IP address table on the DNS server such that the domain name corresponds with an interactive file.

30. The method of claim 29, wherein the interactive file comprises a first web page that is configured to provide information to the first client and configured to allow the first client to leave a message for the second client.

31. The method of claim 29, further comprising:

on receipt of the client request, connecting the client to a second web page associated with the client.

32. The method of claim 31, wherein the second web page includes at least one of messages received while client was off-line, a time of last log-on by client, or a duration the client was off-line.

33. The method of claim 29, further comprising:

on receipt of the client request, determining if the client is authorized to administer the domain name.

34. The method of claim 29, wherein the update step further comprises:

queuing the client request on a DNS update queue;
moving the request from the DNS update queue to a temporary queue; and
updating the IP address table of the DNS server with the request from the temporary queue.

35. The method of claim 34, further comprising:

notifying the client that the request has been queued; and
notifying the client that the request has been processed.

36. The method of claim 29, wherein the determining step further comprises:

monitoring arrival of a signal that is periodically transmitted by the first client, the arrival of the signal indicating that the status of the first client is on-line.

37. The method of claim 36, wherein the determining step further comprises:

determining that the status of the first client is off-line if the signal is not received within a predetermined time interval.

38. A method for updating Domain Name System (DNS) information in response to a change in client status, the method comprising the steps of:

receiving identification information from a client, the client being subscribed to a domain name;

on receipt of the identification information, assigning an IP address to the client and updating an IP address table on the DNS server such that the domain name corresponds to the assigned IP address;

determining a client status of on-line or off-line; and

responsive to determining the status is off-line, updating the IP address table on the DNS server such that the domain name corresponds to a first web page located on a server.

39. The method of claim 38, further comprising:

on receipt of the client request, connecting the client to a second web page associated with the client, wherein the second web page includes at least one of messages received while client was off-line, a time of last log-on by client, or a duration the client was off-line.

40. The method of claim 38, further comprising:

on receipt of the client request, determining if the client is authorized to administer the domain name.

41. A computer-readable medium containing a program for updating Domain Name System (DNS) information in response to a change in client on-line/off-line status, the program comprising the steps of:

receiving a client request to update DNS information on a DNS server, the client being subscribed to a domain name;

on receipt of the client request, assigning an IP address to the client and updating an entry in an IP address table on the DNS server to match the domain name with the assigned IP address;

determining a client status of on-line or off-line; and

responsive to off-line determination, updating the IP address table on the DNS server to match the domain name with an interactive file.

42. The method of claim 41, wherein the interactive file comprises a first web page that is configured to provide information to the first client and configured to allow the first client to leave a message for the second client.

43. The method of claim 41, further comprising:
on receipt of the client request, connecting the client to a second web page associated with the client.

44. The method of claim 43, wherein the second web page includes at least one of messages received while client was off-line, a time of last log-on by client, or a duration the client was off-line.

45. The method of claim 41, further comprising:
on receipt of the client request, determining if the client is authorized to administer the domain name.

46. The method of claim 41, wherein the update step further comprises:
queuing the client request on a DNS update queue;
moving the request from the DNS update queue to a temporary queue; and
updating the IP address table of the DNS server with the request from the temporary queue.

47. The method of claim 46, further comprising:

notifying the client that the request has been queued; and

notifying the client that the request has been processed.

48. The method of claim 41, wherein the determining step further comprises:

monitoring arrival of a signal that is periodically transmitted by the first client, the arrival of the signal indicating that the status of the first client is on-line.

49. The method of claim 48, wherein the determining step further comprises:

determining that the status of the first client is off-line if the signal is not received within a predetermined time interval.

50. A system for updating Domain Name System (DNS) information in response to a change in client status, the system comprising:

means for receiving a client request to update DNS information on a DNS server, the client being subscribed to a domain name;

means for assigning, on receipt of the client request, an IP address to the client and updating an entry in an IP address table on the DNS server such that the domain name corresponds with the assigned IP address;

means for determining a client status of on-line or off-line; and

means for updating, responsive to off-line determination, the IP address table on the DNS server such that the domain name corresponds with a first web page, wherein the first web page is configured to provide information to the first client and configured to allow the first client to leave a message for the second client.

51. The method of claim 50, further comprising:

means for connecting, on receipt of the client request, the client to a second web page associated with the client, wherein the second web page includes at least one of messages received while client was off-line, a time of last log-on by client, or a duration the client was off-line.

52. The method of claim 50, further comprising:

means for determining, on receipt of the client request, if the client is authorized to administer the domain name.

53. The method of claim 50, wherein the means for updating further comprises:

means for queuing the client request on a DNS update queue;
means for moving the request from the DNS update queue to a temporary queue; and
means for updating the IP address table of the DNS server with the request from the temporary queue.

54. The method of claim 50, further comprising:

means for notifying the client that the request has been queued; and
means for notifying the client that the request has been processed.

55. The method of claim 50, wherein the means for determining the client status further comprises:

means for monitoring arrival of a signal that is periodically transmitted by the first client, the arrival of the signal indicating that the status of the first client is on-line.

56. The method of claim 50, wherein the means for determining client status further comprises:

means for determining that the status of the first client is off-line if the signal is not received within a predetermined time interval.

EVIDENCE - APPENDIX

None.

RELATED PROCEEDINGS- APPENDIX

None.